

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

JOHN M. PITMAN, III, *et al.*,

Plaintiffs,

- vs -

XCENTRIC VENTURES, LLC.,
et al.,

Defendants.

Civil No.:
4:16-cv-00179-HCM-DEM

**DEFENDANTS EDWARD MAGEDSON, XCENTRIC VENTURES, LLC, BERT
PITTMAN, ANNA RICHTER, AND TRACEY RICHTER JOINT STATUS REPORT**

Edward Magedson (“Magedson”) and Xcentric Ventures, LLC (“Xcentric”), Bert Pitman (“B. Pitman”), Anna Richter (“A. Richter”), and Tracey Richter (“T. Richter”) hereby file a status report pursuant to the Clerk’s Notice dated February 6, 2017. In support thereof, the defendants state as follows:

1. On December 7, 2016, Xcentric filed a Notice of Removal (Dkt No. 1) initiating this above-referenced action.
2. On December 14, 2016, Xcentric filed its Answer to the Complaint (Dkt No. 4).
3. On December 19, 2016, Plaintiffs filed a Motion to Remand to State Court and a Motion to Strike the Affidavit of Magedson. (Dkt Nos. 7, 10). Xcentric did not oppose these motions (Dkt No. 20).
4. On January 8, 2017, Plaintiffs filed a Reply in Support of their motions and attached a Proposed Order remanding this action back to state court (Dkt No. 22). To date, no Order to Remand has been entered.

5. On or about January 12, 2016, Magedson executed a Waiver of Service (Dkt No. 23).

6. On February 2, 2017, Magedson filed a Notice of Removal thereby initiating Case No.: 4:17-cv-00012-AWA-RJK.

7. Magedson's deadline to respond to the Complaint has not yet expired.

8. On February 7, 2017, plaintiffs filed a Motion Requesting Entry of Default (Dkt. No. 24) against B. Pitman and A. Richter. The clerk entered a Default (Dkt No. 25) that same day.

9. On February 7, 2017, Jesse R. Binnall and Louise T. Gitcheva of Harvey & Binnall, PLLC noticed their appearance (Dkt Nos. 26 & 27) of behalf of B. Pitman, A. Richter, and T. Richter.

10. On February 8, 2017, B. Pitman and A. Richter filed a Motion to Set Aside the Default and for an Extension of Time to File Responsive Pleadings (Dkt No. 28). Counsel have conferred and requested that the Court set a hearing date for this motion (Dkt No. 32). No hearing date has been set.

11. On February 16, 2017, T. Richter filed a Consent Motion for Extension of Time to File Responsive Pleadings (Dkt No. 30). Counsel have conferred and requested that the Court rule on the papers and enter the attached Consent Order (Dkt No. 33). No order has been entered.

12. At this time, there are two cases pending before this Court: Case No. 4:16-cv-00179-HCM-DEM and Case No.: 4:17-cv-00012-AWA-RJK.

13. The defendants seek guidance as to whether: (1) Case No. 4:16-cv-00179-HCM-DEM will be remanded back to state court; and/or (2) these cases will be consolidated.

14. Counsel conferred with plaintiffs' counsel to schedule a conference call to discuss the submission of a joint status report as directed by the Clerk. Counsel for plaintiff decided that a joint status report filed by all the parties was unnecessary given the volume of recent filings.

15. Plaintiffs filed their status report on February 20, 2017 (Dkt No. 34).

16. The undersigned counsel submits this joint status report on behalf of defendants Magedson, Xcentric, B. Pitman, A. Richter, and T. Richter.

Dated: February 21, 2017

Respectfully submitted,

/s/David A. Warrington
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*Counsel for Anna Richter, Bert
Pitman and Tracey A. Richter*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 21, 2017, I filed a copy of the foregoing with the Court, which will electronically serve all counsel of record who have entered an appearance in this case who are registered with CM/ECF.

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